

**HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS**

**BILL #:** HB 7013 PCB SSC 07-02 Shared County/State Detention Trust Fund in the Department of Juvenile Justice  
**SPONSOR(S):** Safety & Security Council  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.: Safety & Security Council	13 Y, 0 N	Miller	Havlicak
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**I. SUMMARY**

The bill recreates the Shared County/State Detention Trust Fund in the Department of Juvenile Justice effective July 1, 2007. The bill provides for continuation of current fund sources and uses of the trust fund.

The bill recreates a trust fund; therefore it must pass with a three-fifths vote of the membership of each house of the Legislature.

**II. SUBSTANTIVE ANALYSIS**

**A. PRESENT SITUATION:**

Currently, the Shared County/State Detention Trust Fund in the Juvenile Justice Department is a depository for county payments for pre-trial juvenile detention. This Trust Fund shall, unless terminated sooner, be terminated on July 1, 2009.

Section 19(f), Art. III of the State Constitution governs the creation of trust funds. This constitutional provision prohibits the creation by law of a trust fund of the state or other public body without a three-fifths vote of the membership of each house of the Legislature. This provision further specifies that a trust fund must be created in a separate bill for that purpose only. A bill to recreate an existing trust fund is, in essence, equivalent to a bill to create a trust fund and is subject to these provisions.

The State Constitution also specifies that trust funds created after November 4, 1992, with certain exceptions, shall terminate not more than 4 years after the effective date of the act authorizing the initial creation of the trust fund, unless the Legislature recreates the fund prior to this time.

**B. EFFECT OF PROPOSED CHANGES:**

The bill recreates the Shared County/State Detention Trust Fund in the Department of Juvenile Justice effective July 1, 2007. The bill provides for continuation of current fund sources and uses of the trust fund. The trust fund will continue to be the depository for county payments for pre-trial detention services provided by the state.

The bill strikes language that terminates the trust fund as of July 1, 2009.

### **III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

### **IV. COMMENTS**

None.

### **V. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**